

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and discussion is respectfully requested.

Claim 6 is pending. Claims 1-5 and 7 are canceled. Claim 6 is amended. Support for the amendment to Claim 6 can be found in Fig. 8, Figs. 9A and 9B, and Figs. 10A and 10B. and the description thereof in the specification, for example. No new matter is added.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 6 was rejected under 35 U.S.C. § 102(b) as anticipated by Densen (U.S. Patent No. 4,953,779). Claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Densen in view of Shigeta (Japanese Patent Pub. 07-232770, herein "Shigeta").

Regarding the rejection of Claim 6 as indefinite, that rejection is respectfully traversed by the present response. The outstanding Office Action asserts that it is unclear as to how a three-dimensional image is observable and that there is only one merchandise package claimed.¹

In response, Claim 6 is amended to recite a set of merchandise packages including a first package and a second package. Applicants respectfully submit that it is clear how a three-dimensional image is observed from these two packages. Accordingly, the withdrawal of the rejection is respectfully requested.

Regarding the rejection of Claim 6 as anticipated by Densen, that rejection is respectfully traversed by the present response. Amended Claim 6 recites, in part:

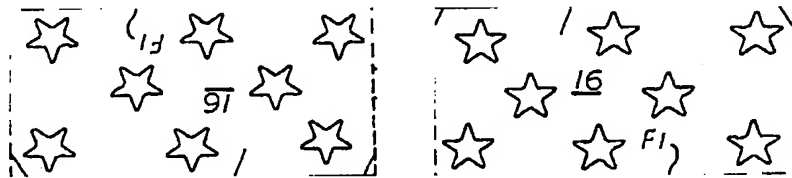
a first package having at least one outside surface, wherein a figure **having a point symmetry shape** is disposed on the outside surface in a manner such that a center of the figure is displaced from a center point of the outside surface, and
a second package identical to the first package,
wherein a three-dimensional image is observed from an upright view of the figure of the first package and an upside-down view of the figure of the second package when the first and second merchandise



¹ Outstanding Office Action, page 2.

packages are juxtaposed in a manner such that one of the first and second merchandise packages is rotated by 180 degrees upside down.

The Office Action, on page 3, states: “Densen discloses a merchandise package (Figures 2-3) comprising at least one outside surface and a figure (a single star as shown in the Figure below) having a point of symmetry shape is disposed on the outside surface (column 3, lines 28-31). . . .”

However, a star shape as shown in the figure cited in the outstanding Office Action is not a point symmetry shape because it does not look the same when rotated upside down. This issue is exemplified by the combination of partial figures below taken from Densen.



Specifically, the star does not have a **point symmetry shape**. For example, the shape  does not have point symmetry with .

Accordingly, Densen does not disclose all the features recited in Claim 6, and Applicants respectfully request that the rejection of Claim 6 be withdrawn.

Regarding the rejection of Claim 6 as obvious over Densen in view of Shigeta, that rejection is respectfully traversed by the present response.

Claim 6 as amended recites, among other things, a feature of “a three-dimensional image is observed from an upright view of the figure of the first package and an upside-down view of the figure of the second package when the first and second merchandise packages are juxtaposed in a manner such that one of the first and second merchandise packages is rotated by 180 degrees upside down.” As a non-limiting example, such a feature is illustrated in Fig. 8. Please note that the term “upside-down” refers to the direction of the figure disposed on the outside surface. That is, rotating a package by 180 degrees upside down means rotating

the package in such a manner that the figure disposed on the outside surface is flipped upside down.

As is evident from the edited figures from Densen above, Densen does not disclose this feature.

Shigeta in Figs. 1(b) and 1(c), images 2L and 2R produce a three dimensional image. Applicants respectfully note that the images 2L and 2R are not identical to each other. Rather, "a camera 3 is positioned at a location corresponding to a right eye and a pattern 2 indicated on the subject 1 is taken to obtain an image 2R corresponding to the right eye. A camera 4 is positioned at a location corresponding to a left eye and the pattern 2 indicated on the subject 1 is taken to obtain an image 2L corresponding to the left eye"² Applicants respectfully submit that, if these images were identical, they would not be able to produce a three dimensional image, and therefore, they are not identical. In Shigeta, a three-dimensional image is observed from a view of the image 2L and a view of the image 2R where the images 2L and 2R are different images. Shigeta does not disclose or suggest that the two non-identical images have point symmetry as recited in amended Claim 6 and therefore fails to remedy the deficiencies of Densen.

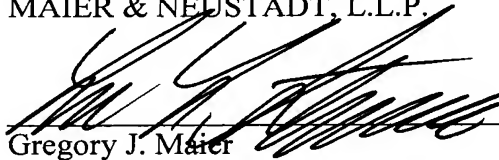
Thus, in light of the discussion above, it is apparent that neither Densen nor Shigeta, taken alone or in combination, teaches or suggests the above-noted features of Claim 6, namely "a three-dimensional image is observed from an upright view of the figure of the first package and an upside-down view of the figure of the second package when the first and second merchandise packages are juxtaposed in a manner such that one of the first and second merchandise packages is rotated by 180 degrees upside down." Accordingly, amended Claim 6 patentably distinguishes over the asserted combination of references.

² Shigeta, English Abstract.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier

Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Lee Stepina
Registration No. 56,837